

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In Re Application of:

Michael T. Brennan et. at.

Serial No.: 10/619,291

Short Title: Bracket System And Method



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on Sat, Apr 29, 2006.

Richard E. Backus, Reg. No. 22,701

Signed: RE Backus

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

This is in response to the Filing Receipt and Notice To File Missing Parts, both dated 4/24/06

Request for correction of filing date error in Filing Receipt

Applicant requests correction of the filing date of 7/15/2003 to 10/29/2002. The 7/15/2003 is in error in view of the following:

- The original application of S/N 10/619,291 was received by the Office on 10/29/2002, as shown by the Applicant's (through the undersigned attorney for Applicant) return postcard which accompanied the papers being filed. This is evidenced by the attached Ex. A which comprises copies of the front and reverse sides of that postcard. The reverse side shows the Office date-of-receipt stamp with the "Oct 29 2002" date.

- after several Status Enquires sent to the Office by the undersigned went unanswered, Applicant filed on July 3, 2003 a Petition To Invoke Supervisory Authority To Reconstruct the Office file of this case. Copies of that Petition (without exhibits) are attached as Ex. B.
- On July 22, 2005 the Office sent a Notice Under 37 CFR 1.252 saying that a reconstruction of the file was being initiated. (Ex.C).
- The Notice of Ex. C requested that Applicant supply copies of all papers filed pertaining to the application, as this was supplied by Applicant as stated in the List Of Correspondence of the attached Ex.D

In the Notice of Ex.C it is noted that under the heading FILING DATE the date of 07/22/05 is shown.

In view of the Filing Receipt, apparently the reconstruction was accomplished, but the filing date indicated thereon is 07/15/2003. It is unknown how that different date was selected, but from the above it is clearly an error and further that the 10/29/2002 date shown in the Office date stamp on the postcard is the correct filing date.

Response to Missing Parts

Submitted herewith is the original of Applicant's Declaration for this application; the recently supplied serial number and the correct 10/29/2002 filing date have been inserted thereon by the undersigned.

Enclosed is check #366 in the amount of \$65 for the requested fee. If there are any questions, a telephone call to Applicant's attorney at 415-668-2339 is invited.

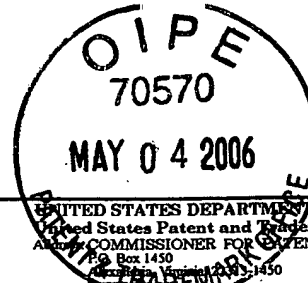
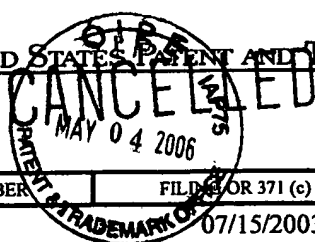
Date: Sat, Apr 29, 2006

Richard E. Backus
Richard E. Backus, Reg. 22,701
Attorney for Applicant

RICHARD E. BACKUS LAW OFFICE
887-28th Ave
SAN FRANCISCO, CALIFORNIA 94121



UNITED STATES PATENT AND TRADEMARK OFFICE


 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Acting COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22304-1450

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/619,291	07/15/2003	Jeffrey A. Cook	A97423

CONFIRMATION NO. 7442

 FORMALITIES
 LETTER

 Law office of Richard E. Backus
 887 - 28th Ave.
 San Francisco, CA 94121

Date Mailed: 04/24/2006

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450

05/05/2006 CNGUYEN2 00000010 10619291

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65.00 0P

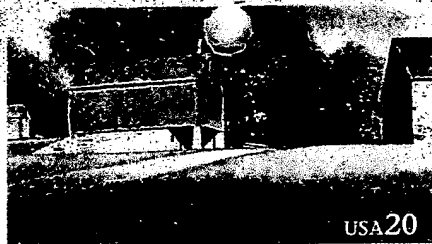
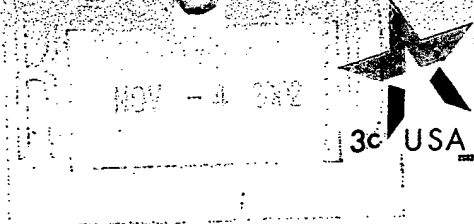
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Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in dark ink, appearing to be 'C. M.' or similar, is written above the contact information.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 1 - ATTORNEY/APPLICANT COPY



LAW OFFICES OF RICHARD E. BACKUS
685 MARKET STREET, SUITE 490
SAN FRANCISCO, CALIFORNIA 94105

06
USPS 1595



PATENT OFFICE ACKNOWLEDGEMENT
OF FILING PATENT APPLICATION

File No. A 97423
Applicant(s): Mike Brennan + Jeffrey Cook
Title: Bracket System & Method
No. Pages Spec.: 10
No. Claims: 7
No. Sheets Dwgs.: 4
Oath Declaration ✓
Amount Filing Fee \$
Check No.
Assignment:



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Ex. A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

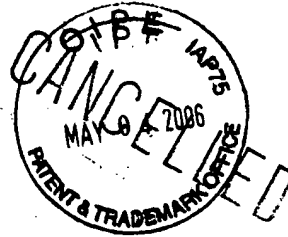
In Re Application of:

Michael T. Brennan et. al.

Serial No.: Not assigned

Filing Date: 10/29/2002

For: Bracket System And Method For Use
With Remote Reading Water Meters



Mail Stop Reconstruction
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO INVOKE SUPERVISORY AUTHORITY
OF THE DIRECTOR TO RECONSTRUCT PATENT APPLICATION

This is a petition under 35 USC §1.181(a)(3) to invoke the supervisory authority of the Director, or alternatively is a request, to reconstruct the subject application and accord the same a serial number so that processing and examination of the application can proceed forthwith.

The facts are as follows:

- On Oct. 23, 2002 Applicant's undersigned attorney mailed, by first class mail through the USPS, to the United States Patent & Trademark Office the subject application comprising: 1) a cover sheet dated Oct. 23, 2002 and file number A97423 with the signature of Applicants' attorney; 2) ten pages of patent specification, seven claims and four drawing sheets; and 3) a return postcard addressed to Applicant's undersigned attorney on the obverse side with a PATENT OFFICE ACKNOWLEDGEMENT OF FILING APPLICATION on the reverse side.

- The said return postcard was received, through the USPS, back by Applicant's attorney on Nov. 4, 2002. Attached as Exhibit A are true and correct copies of the obverse and reverse sides of that return postcard as received by Applicant's attorney showing the undersigned's Nov. 4, 2002 date stamp as well as the Patent & Trademark Office stamp bearing "OIPF JC95" with the date of Oct. 29, 2002. The

Ex. B ps1

...application being filed was entitled Bracket System &
...and ten pages of specification, seven claims and four drawing
...File No. A97423. No serial number appears on the postcard.

- The attached document marked Exhibit B and entitled BRACKET SYSTEM AND METHOD FOR USE WITH REMOTE-READING WATER METERS, comprising a one page cover sheet, ten pages of specification, seven claims and four drawing sheets, is a true and correct copy from Applicant's attorney file no. A97423 of the original application that was mailed to the Patent Office on Oct. 23, 2002 along with the above-mentioned cover sheet and return postcard.

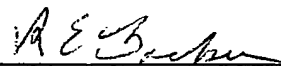
- No Filing Receipt, Notice of Missing Parts or other information showing a serial number or any other information have been received from the Patent Office regarding the said application;

- On April 22, 2003 Applicant's attorney mailed to the Patent Office a STATUS ENQUIRY, a copy of which is attached as Exhibit C. No response has been received from the Patent Office on that STATUS ENQUIRY.

The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Accordingly, reconstruction of the accompanying application is solicited.

Date: Jul 3, 2003


Richard E. Backus, Reg. 22,701
Attorney for Applicants

LAW OFFICES OF RICHARD E. BACKUS
685 MARKET STREET, SUITE 490
SAN FRANCISCO, CALIFORNIA 94105
Tel: 415-979-9876



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,291				7442

7590 07/22/2005

Law office of Richard E Backus
Richard E Backus
685 Market Street
Suite 490
San Francisco, CA 94105



EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Ex. 10C ps!



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Pending Application

☒ The file on the cover sheet cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

All documents filed on 07/15/03

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is hereby requested to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

If applicant does not possess any record of the correspondence between the Office and the applicant for the file listed on the cover sheet or any copy of the paper(s) listed, applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

☐ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

U. S. Patent and Trademark Office
Mail Stop: **Duplicates**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Direct questions concerning this notice to:

Image Assistance Center/ Customer Service

1-(888)-786-0101

PTO Doc. Code: R251.NTC (Rev. 03/05)

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Ex Cpg 2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of: _____

Application No.: _____

10/619291

Filing Date: _____

07/15/03

Title: _____

Direct to:

U. S. Patent and Trademark Office
Mail Stop: Duplicates
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**NOTICE UNDER 37 CFR 1.251 – Pending Application**

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above identified application.

Date_____
Signature_____
Typed or printed name**A Copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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List of Correspondence
Response to Notice Under 37 CFR 1.252

1. Patent application entitled Bracket System and Method For Use With Remote-Reading Water Meters comprising ten pages of specification and claims and four sheets of drawings;
2. Transmittal cover sheet dated Oct. 23, 2002 for the above application with signature of Applicant's attorney;
3. Copies of obverse and reverse sides of self-addressed, return receipt card which accompanied the above application and which was stamped by the USPTO with the date of Oct. 29, 2002 and returned to Applicant's attorney;
4. Status Enquiry signed Apr. 22, 2003 sent to the USPTO in the above application;
5. Petition To Invoke Supervisory Authority Of The Director To Reconstruct Patent Application signed Jun 28, 2003 and sent to the USPTO in the above application.

Ex D